

## REMARKS

### CLAIM REJECTIONS

35 U.S.C. 112, paragraph 2. In the Office Action of 5/12/04 the Examiner has rejected claims 5-8, 14, 15 and 26-29 based on 35 U.S.C. 112, paragraph 2. He states that claims 5, 26 and 29 lack proper antecedent basis for the language “third recess”. Claims 5 and 26 have been amended herein to delete the term “third”. Claim 29 has been amended in order that a recitation of the “first” and “second” recesses precedes the language “third” recess.

In addition, the Examiner states that in claim 29 the use of “means” without an accompanying function renders the claim unclear. In claim 29, the language “gripping means” has been changed to “means for gripping the writing element”.

Applicant submits that currently amended claims 5, 26 and 29 and the remaining aforementioned claims 6-8, 14, 15, 27 and 28 are in compliance with 35 U.S.C. 112, second paragraph.

35 U.S.C. 103 (a). The Examiner has rejected claims 1, 3, 16-20, 22 and 24 under 35 U.S.C. 103(a) as being unpatentable over the teaching of Cummings in the Office Action of 5/12/04. The Examiner has further rejected claims 4, 5, 23, 25 and 26 in the Office Action (5/12/04) under 35 U.S.C. 103(a) based on the teaching of Cummings as modified by Slayton. Claims 9, 10 and 16 have been rejected in the Office Action (5/12/04) under 35 U.S.C. 103(a) based on the patent of Cummings in view of Fristedt.

Applicant would point out that claims 2, 7 and 8 are not listed in the initial claim rejection paragraph as being rejected in the Office Action (5/12/04). However, the subsequent text which follows the initial rejection paragraph does address the respective claims 2, 7 and 8 as being rejected with the prior art. Applicant’s response reflects that the omission to list claims 2, 7 and 8 in the initial claim rejection paragraph was an oversight by the Examiner and that claim 2

has been rejected under 35 U.S.C. 103(a) under Cummings while claims 7 and 8 have been rejected under 35 U.S.C. 103(a) under Cummings in view of Slayton.

Furthermore in the Office Action (5/12/04), claims 11-13 were objected to by the Examiner. He further states that the claims “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims”.

New claim 30 includes the limitations of previously presented claims 1 and 13. It is therefore believed that newly presented claim 30 is allowable. Claims 2, 3, 4, 9, 14 and 16 have been amended to depend directly from new claim 30. Amended claim 5 and previously presented claims 6-8 depend from amended claim 4. Previously presented claims 10-12 depend from amended claim 9. Amended claim 15 depends from claim 14 and previously presented claims 17-20 depend from amended claim 16. Since amended claims 2-5, 9, 14-16 and previously presented claims 6-8, 10-12, 17-20 depend from an allowable claim, they are allowable.

Claims 1 and 13 have been canceled.

In the Office Action of 5/12/04, claim 21 was objected to by the Examiner, who stated therein that claim 21 “would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” New claim 31 includes the limitations of claim 21, base claim 1 and intervening claim 2. Therefore, it is believed that new claim 31 is allowable.

Claim 21 has been canceled.

New claim 32 includes the limitations of previously presented claim 22 and the limitations of objected to claim 13. Since previously presented claim 22 contains all of the limitations of canceled claim 21 in addition to “at least one sheet of paper”, it is believed that newly presented claim 32 is allowable. Claims 23 and 24 have been amended to depend from new claim 32 and are therefore allowable. Amended claims 25-27 and previously presented


claim 28 depend from new claim 32. Since claims 25-28 depend from allowable claim 32, they are allowable.

Claim 22 has been canceled.

**CONCLUSION**

The above amendments being fully responsive to all outstanding rejections and formal requirements, it is submitted that this application is in condition for allowance, and a notice to that effect is earnestly solicited. In the event that a telephone conference will expedite the allowance of this application, the Examiner is urged to contact the undersigned at the phone number listed below.

Respectfully submitted,



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**Certification of Mailing**

I, Boyd D. Cox, hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

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